IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 7371

Dominic WALSH et al. : Attorney Docket No. 2005_0985A

Serial No. 10/539,348 : Group Art Unit 1793

Filed May 2, 2006 : Examiner John A. Hevey

METAL OR METAL OXIDE POROUS MATERIAL AND CATALYST, PREPARED BY USE OF DEXTRAN OR RELATED SOLUBLE CARBOHYDRATE POLYMER AS AN AGENT TO FORM POROUS THREE-DIMENSIONAL ARCHITECHTURES FROM METAL SALTS

OR PREFORMED PARTICLES : Mail Stop: AF

NOTICE OF APPEAL

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated January 15, 2009, of the Primary Examiner finally rejecting claims 34, 35, 37, 38, 40-42 and 47-50.

- (X) A timely response to the final rejection has been filed.
- (X) The extension fee of \$130.00 for a one-month extension of time is to be charged to credit card provided.
- (X) The Appeal Fee of [X] \$540.00 (other than Small Entity) [] \$270.00 (Small Entity)
 - () is enclosed
 - (X) is to be charged to credit card provided.

- () Small entity status of this application is established by the verified statement under 37 CFR 1.9 and 1.27 which
 - () is enclosed.
 - () has been previously submitted.
- () The Appeal Fee is not required since it was paid in a prior appeal.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Dominic WALSH et al.

/Amy E. Schmid/
2009.05.15 12:56:43 -04'00'

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